

JUDGE BRICCETTI

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

14 CV 9410

Robert Zani,

Plaintiff,

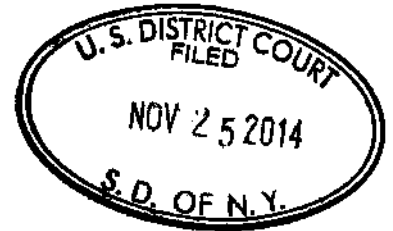
v.

Target Corporation; and DOES 1-10, inclusive,

Defendants.

Civil Action No.: _____

COMPLAINT



For this Complaint, the Plaintiff, Robert Zani, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of the Defendants' repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the "TCPA").

2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. The Plaintiff, Robert Zani ("Plaintiff"), is an adult individual residing in Highland Falls, New York, and is a "person" as defined by 47 U.S.C. § 153(39).

4. The Defendant, Target Corporation ("Target"), is a Minnesota business entity with an address of 1000 Nicollet Mall, TPS-2762, Minneapolis, Minnesota 55403, and is a "person" as defined by 47 U.S.C. § 153(39).

5. Does 1-10 (the "Agents") are individual agents employed by Target and whose identities are currently unknown to the Plaintiff. One or more of the Agents may be joined as parties once their identities are disclosed through discovery.

6. Target at all times acted by and through one or more of the Agents.

FACTS

7. Within the last four years, Target began calling Plaintiff's cellular telephone, number 917-XXX-8260.
8. Target called Plaintiff from telephone number 623-792-1070.
9. Target called Plaintiff's cellular telephone using an automated telephone dialing system ("ATDS") and an artificial or prerecorded voice.
10. When Plaintiff answered calls from Target he heard a prerecorded message instructing Plaintiff to hold for the next available representative.
11. Plaintiff sent Target written requests by certified mail, instructing Target to stop calling Plaintiff's cellular telephone.
12. Nevertheless, Target continued to call Plaintiff's cellular telephone number after receiving the letters.

COUNT I

**VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –
47 U.S.C. § 227, et seq.**

13. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
14. At all times mentioned herein and within the last four years, Defendants called Plaintiff on his cellular telephone using an automatic telephone dialing system ("ATDS") and a prerecorded or artificial voice.
15. Despite being directing to cease all calls, Defendants continued to place automatic telephone calls to Plaintiff's cellular telephone. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47

U.S.C. § 227(b)(3)(C).

16. The telephone number called by Defendants was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

17. The calls from Defendants to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

18. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call made in negligent violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

19. Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 for each call made in knowing and/or willful violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

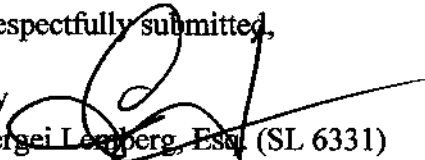
WHEREFORE, the Plaintiff respectfully prays that judgment be awarded in the Plaintiff’s favor and against the Defendants as follows:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
3. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: November 21, 2014

Respectfully submitted,

By 
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